

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-364

June 16, 1998

CENTRAL MAINE POWER COMPANY
Request for Approval of
Contract with John J. Nissen
Baking Company

ORDER APPROVING
CONTRACT AND LIFTING
SUSPENSION

WELCH, Chairman; NUGENT, Commissioner

SUMMARY OF DECISION

By this Order, the Commission approves Central Maine Power Company's (CMP's) special rate contract with John J. Nissen Baking Company (Nissen).

DISCUSSION

On May 12, 1998, CMP filed with this Commission a proposed customer service agreement (CSA) between CMP and Nissen for approval, pursuant to Attachment F, Section III of its Alternative Rate Plan (ARP). CMP noted that the CSA will retain load by causing Nissen to defer installing and operating gas cogeneration at its new facility in Biddeford, Maine.

We have reviewed the proposed CSA and find that it may not strictly conform to the criteria required in the ARP for automatic approval on 30-days notice. Specifically we find that the revenues collected in the last year of the contract may not exceed the estimated marginal costs of serving this customer. We do, however, find that the proposed CSA is consistent with the ARP's goals of flexible pricing. Therefore we will allow this contract to go into effect.

Accordingly, we

O R D E R

1. That the suspension Order issued by the Commission on June 11, 1998 in this proceeding is hereby lifted and Central Maine Power Company's proposed Customer Service Agreement with John J. Nissen Baking Company, filed May 12, 1998, is approved and shall take effect as of the date of this Order.

Dated at Augusta, Maine this 16th day of June, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.